



Williamsville Suburban, LLC

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information- Company Receiving Benefit

Project Name	Williamsville Suburban Nursing Home Renovation Project
Project Summary	Renovation and modernization to preserve and improve the senior living facility serving residents of Western New York.
Applicant Name	See Application Attachment
Applicant Address	165 South Union Road
Applicant Address 2	193 South Union Road
Applicant City	Amherst
Applicant State	New York
Applicant Zip	14221
Phone	(716) 276-1900
Fax	(716) 632-2308
E-mail	moshe@sapphirecaregroup.com
Website	www.williamsvillesuburban.com
NAICS Code	623110

Business Organization

Type of Business

See Application Attachment

Year Established

State

New York

Indicate if your business is 51% or more (Check all boxes that apply)

[No] Minority Owned

[No] Woman Owned

Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

Name Eric J. Bach
Title Attorney
Address 99 Garnsey Road
Address 2
City Pittsford
State New York
Zip 14534
Phone (585) 419-8615
Fax (585) 419-8801
E-Mail ebach@harrisbeach.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application Yes

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney Eric Bach, Esq.
Firm Name Harris Beach PLLC
Address 99 Garnsey Road
Address 2
City Pittsford
State New York
Zip 14534
Phone (585) 419-8615
Fax (585) 419-8801
E-Mail ebach@harrisbeach.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes
Exemption from Mortgage Tax Yes
Exemption from Real Property Tax No
Tax Exempt Financing* No

* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.

Williamsville Suburban- General Overview Williamsville Suburban, LLC operates a skilled nursing facility located in Amherst, New York. The nursing facility operates pursuant to that certain Operating Certificate (the "Operating Certificate") issued to Williamsville Suburban, LLC under Article 28 of the New York Public Health Law and approved by the New York State Department of Health ("NYS DOH"). Consistent with its Operating Certificate, Williamsville Suburban, LLC operates a total of 220 skilled nursing beds. At the time of the submission of this Application, and as is reflective of its current average job volume, Williamsville Suburban, LLC maintains approximately 187 jobs in conducting its operations. It should be noted that while treated as and referred to as a single skilled nursing facility by NYS DOH, operationally Williamsville Suburban, LLC is separated into two distinct, freestanding buildings. One building is located at 165 South Union Road (referred to herein as "Building A"). The second building is located at 193 South Union Road (referred to herein as "Building B"). Williamsville Suburban operations at 165 South Union Road: Building A Building A currently operates 140 of the 220 skilled nursing beds and is approximately 52,000 square feet. Approximately 112 of the 187 Williamsville Suburban employees are situated within Building A. Williamsville Suburban operations at 193 South Union Road: Building B Building B currently operates 80 of the 220 skilled nursing beds and is approximately 35,000 square feet. Approximately 75 of the 187 Williamsville Suburban employees are situated within Building B. Building B also contains the service line operations for Williamsville Suburban operations, including primary food and dietary service operations, physical therapy, occupational therapy, and speech therapy.

Estimated % of sales within Erie County	100 %
Estimated % of sales outside Erie County but within New York State	0 %
Estimated % of sales outside New York State but within the U.S.	0 %
Estimated % of sales outside the U.S.	0 %

(*Percentage to equal 100%)

For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?

90

Describe vendors within Erie County for major purchases

With respect to the contemplated proposed construction and renovation projects, at least 90% of all labor will be provided by individuals within Erie County, approximately 54% of all supplies and materials will be purchased from companies located within Erie County, and approximately 63% of all vendors utilized in connection with the project will be companies located within Erie County. The following Erie County vendors are contemplated to be utilized: (1) Davis Electrical; (2) Dobmeier Janitor Supply; (3) Ed Young Hardware; (4) Graybar Electric; (5) HBS Building Supplies; (6) Lowe's Williamsville; (7) Prosource of Buffalo; (8) Sherwin Williams at Williamsville; (9) The Home Depot at Williamsville; (10) All State Fire & Security; (11) Anzalone Electrical Contracting; (12) Garcia's Home Improvement; and (13) Gorenflo's Buffalo Wholesale Lock.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

165 South Union Road and 193 South Union Road (see Application Attachment)

Town/City/Village of Project Site

Amherst

School District of Project Site

Williamsville Central School District

Current Address (if different)

Current Town/City/Village of Project Site (if different)

SBL Number(s) for proposed Project

80.12-3-30 and 80.12-3-29

What are the current real estate taxes on the proposed Project Site

See Application Attachment

If amount of current taxes is not available, provide assessed value for each.

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

Yes

If No, indicate name of present owner of the Project Site

Does Applicant or related entity have an option/contract to purchase the Project site?

No

Describe the present use of the proposed Project site (vacant land, existing building, etc.)

The Facility is a skilled nursing facility consisting of 220 beds in total. The Facility is comprised of Building A at 165 South Union Road and Building B at 193 South Union Road. Building A houses 140 skilled nursing beds and is divided into four wings. Building B houses 80 skilled nursing beds and is divided into two wings. With respect to present occupancy levels, it should be noted that due to the need for the proposed improvements and renovations, present occupancy levels at the Facility average approximately 175 of the 220 beds, or approximately 80%. In excess of 80% of residents are dual eligible Medicaid and Medicare recipients. Residents are provided with private and semi-private rooms, and are able to take advantage of physical, occupational, rehabilitation and speech language therapy.

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

The Facility is badly in need of repair and renovations to preserve and improve this important senior living facility for the benefit of some of our most vulnerable Amherst and Erie County residents. The proposed plan will improve the property functionally and aesthetically. The proposed project addresses immediate needs to minimize airborne virus contamination within the Facility for the benefit of, and to protect, the residents and staff, and the related improvements and renovations will ensure the long-term viability of the Facility. The plan includes the purchase and installation of new HVAC systems designed to improve air filtration and to function in individualized zones, i.e., air for those testing positive for COVID-19, the flu, or other virus, would be contained to distinct and separate zones as opposed to the current single, building-wide air circulation systems. Being better able to contain airborne pathogen exposure will be a significant benefit to the residents and the staff, will increase occupancy, and decrease hospital admissions and related healthcare costs, which, it should be noted 25% of which for the population at issue are funded at the local county level. This investment will ensure the protection of residents, staff, and visitor from virus infections. The proposed project also contemplates the installation of new LEED energy efficient lighting, painting, kitchen and dining hall upgrades, handrails and support bar installation, new call bell systems, and new ADA-compliant sinks and toilets. Individual resident rooms, dining areas, common areas and lounges and the physical therapy service areas will be renovated, remodeled, and new furnishing and equipment related thereto will be purchased and installed, all to improve the design and utility of such spaces to affect an overall improvement in the health, homes, and lives of the residents. The property will remain livable throughout construction so it is not anticipated that any tenants will be displaced during the construction period. It is contemplated that the Facility improvements with an emphasis on the safety and welfare of its residents will result in occupancy at the Facility increasing from approximately 175 residents to approximately 210-220 residents, the vast majority of whom are likely to be dual eligible Medicare and Medicaid beneficiaries. Concurrent with the increase in the number of residents, the proposed Facility improvements will allow the Company to attract better qualified and skilled staff, and it is anticipated that the new improvements and related growth in residents will result in the creation of approximately 43 new jobs, 13 of which are anticipated to be filled by members of the 1199SEIU United Healthcare Workers East Union (which is a 25% increase from the current number of 53 1199 Union Member jobs) and 6 of which are anticipated to be filled by the UFCW District Union Local One Food Service Union (which is a 25% increase from the current number of 25 UFCW Union Member jobs). The increase in local jobs is not only a benefit to the local community, but, with respect to the Facility and the quality of its operations, the increase in occupancy and need for skilled nursing and related positions, the Facility will be staffed with a greater percentage of 1199 Union Members which is anticipated to, most importantly, concurrently decrease the Facility's reliance on suboptimal staffing agencies and improve the quality of care provided at the Facility.

Municipality or Municipalities of current operations

Amherst, Erie County, NY

Will the Proposed Project be located within a Municipality identified above?

Yes

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

No

If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?

No

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

No

If yes, please indicate the Agency and nature of inquiry below

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

See Application Attachment.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

Yes

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?

Without the support and financial assistance of the Amherst IDA, the Co-Applicants will be unable, at least in the foreseeable future, to complete the proposed improvements and renovations and the Facility will continue to remain at relatively low occupancies and with weak financial performance, it will continue to fail, rendering the likelihood of further investment by the Minority Owners or others unlikely. Without improving the buildings and facilities the long-term effect is the loss of occupancy and the related loss of employment. All parties- from the individual residents to their family members, to the employees and personnel rendering services on behalf of the Operator- seek, desire, and deserve updated facilities to further protect them from virus and airborne pathogens, protect them from safety hazards, and to improve their overall quality of life of residents and the working conditions for the employees. There is no question that if the proposed improvements and renovations are not undertaken, over time many of the residents and employees will seek to relocate to newer or improved facilities outside of the Amherst area. For purpose of perspective, an estimated loss of 20% occupancy over three to five years is anticipated without the Project improvements and a further decrease of as much as 30% within 10 years. The most salient effect of dramatic loss of occupancy is a decrease in the quality of care that can be provided, a decrease in employees and staff, and the ultimate closure of the Facility. With respect to the effects on employment, a decrease of 50% occupancy would result in the elimination of approximately 100 currently filled job positions. Conversely, proceeding with the proposed project will ensure all 187 currently filled jobs are retained, another 43 long-term positions are created, and will result in an estimated total of 97 union member employees.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?

No

Will the Project meet zoning/land use requirements at the proposed location?

Yes

Describe the present zoning/land use

The property at issue is zoned MFR-7 and the use of the premises is in accordance with the applicable Town of Amherst zoning ordinance requirements.

Describe required zoning/land use, if different

N/A

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements

N/A

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?

No

If yes, please explain

Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?

No

If yes, please provide a copy.

Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?

No

If yes, please provide copies of the study.

If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?

Yes

If yes, describe the efficiencies achieved

Yes. Both the proposed HVAC and the proposed lighting systems to be purchased and installed throughout Building A and Building B will be LEED certified.

You may also attach additional information about the machinery and equipment at the end of the application.

Does or will the company or project occupant perform research and development activities on new products/services at the project location?

No

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

Select Project Type for all end users at project site (you may check more than one).

For purposes of the following, the term “retail sales” means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the “Tax Law”) primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

Retail Sales	No	Services	No
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Please check any and all end uses as identified below.

- | | | |
|--|---------------------------|-------------------------------------|
| No Acquisition of Existing Facility | No Assisted Living | No Back Office |
| No Civic Facility (not for profit) | Yes Commercial | No Equipment Purchase |
| Yes Facility for the Aging | No Industrial | No Life Care Facility (CCRC) |
| No Market Rate Housing | No Mixed Use | No Multi-Tenant |
| No Retail | No Senior Housing | No Manufacturing |
| No Renewable Energy | No Other | |

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

		Cost	% of Total Cost
Manufacturing/Processing	square feet	\$ 0	0%
Warehouse	square feet	\$ 0	0%
Research & Development	square feet	\$ 0	0%
Commercial	square feet	\$ 0	0%
Retail	square feet	\$ 0	0%
Office	square feet	\$ 0	0%
Specify Other	87,000 square feet	\$ 0	100%

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

Yes

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

<BLANK>

Provide estimate of additional construction cost as a result of LEED certification you are seeking < BLANK >

Will project result in significant utility infrastructure cost or uses No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

5/1/2024

End date : Estimated completion date of project

4/1/2026

Project occupancy : estimated starting date of occupancy

11/30/0000

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 square feet acres

2.) New Building Construction

\$ 0 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 1,375,000 72,000 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)

\$ 2,062,500

8.) Soft Costs: (Legal, architect, engineering, etc.)

\$ 412,500

9.) Other Cost

\$ 0

Explain Other Costs

Total Cost \$ 3,850,000

Construction Cost Breakdown:

Total Cost of Construction \$ 1,375,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials \$ 0
% sourced in Erie County 100%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 2,750,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 240,625

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only)	\$ 0
Have any of the above costs been paid or incurred as of the date of this Application?	No
If Yes, describe particulars:	

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 1,100,000
Bank Financing:	\$ 2,750,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 0
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	
Total Sources of Funds for Project Costs:	\$3,850,000
Have you secured financing for the project?	Yes

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing).	2,750,000
Lender Name, if Known	
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$20,625

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):	N/A
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IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	81	81	36	36
Part time	106	106	7	7
Total	187	187	43	

If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	22	\$ 91,430	\$ 6,107	0	\$ 68,448	\$ 0
Professional	7	\$ 59,600	\$ 6,107	0	\$ 84,750	\$ 0
Administrative	26	\$ 57,100	\$ 6,107	0	\$ 23,063	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	54	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	121	\$ 52,388	\$ 6,107	0	\$ 33,232	\$ 0
Total	230			0		

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

No **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

6,047,288

Estimated average annual salary of jobs to be retained (Full Time)

61,415

Estimated average annual salary of jobs to be retained (Part Time)

37,631

Estimated average annual salary of jobs to be created (Full Time)

41,057

Estimated average annual salary of jobs to be created (Part Time)

16,452

Estimated salary range of jobs to be created

From (Full Time)	26,969	To (Full Time)	61,662
From (Part Time)	10,787	To (Part Time)	33,488

Section III: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

For Single Use Facility

Occupant Name Williamsville Suburban, LLC
Address 165 South Union Road and 193 South Union Road, Amherst, NY 14221
Contact Person Eric Bach, Esq.
Phone (585) 419-8615
Fax (585) 419-8811
E-Mail ebach@harrisbeach.com
Federal ID # 20-0548957
SIC/NAICS Code 623110

SS

Section V: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

Section VI: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

Are you applying for tax incentives under the Adaptive Reuse Program?

No

Section VII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

City/Town

State

Zip Code

Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

No

Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does this project involve relocation or consolidation of a project occupant from another municipality?

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

Will the project result in a relocation of an existing business operation from the City of Buffalo?

No

If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?

No

What factors have lead the project occupant to consider remaining or locating in Erie County?

If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

Section VIII: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

Are you applying for tax incentives under the Senior Rental Housing policy?

No

Section IX: Tax Exempt Bonds

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?

No

APPLICATION ATTACHMENT RE WILLIAMSVILLE SUBURBAN, LLC

Section I: Application Background Information

Applicant Information – Company Receiving Benefit

Applicant Name: As described below, this Application is being submitted in connection with the following three Co-Applicants: (1) Williamsville Suburban, LLC; (2) 165 BH Realty, LLC; and (3) South Union RD HC, LLC.

Business Organization (check appropriate category)

The legal names and general operations of the Co-Applicants are as follows:

1. Williamsville Suburban, LLC is the operating entity of the nursing home and is referred to herein as the “Operator”. Williamsville Suburban, LLC uses 165 South Union Road as its legal and primary business address. Established in 2003.
2. 165 BH Realty, LLC is the real property holding company that owns the real property parcel, as well as the building situated on the real property parcel, located at 165 South Union Road. Established in 2016.
3. South Union RD HC, LLC is the real property holding company that owns the real property parcel, as well as the building situated on the real property parcel, located at 193 South Union Road. Established in 2013.

For ease of reference, these three entities are collectively referred to in this Application in the singular as the “Applicant”, in the plural form as the “Co-Applicants”, and as the “Company”, as each usage may be necessary or appropriate in responding to the specific requests set forth in this Application.

Section II: Eligibility Questionnaire – Project Description & Details

Project Location

Address of Proposed Project Facility (further information):

Please note that the nursing home facility that is the subject of this Application is comprised of two separate buildings located at and operated from the following addresses: (i) 165 South Union Road, Amherst, New York 14221; and (ii) 193 South Union Road, Amherst, New York 14221.

Each building and related real property parcel is owned by a separate real property holding company. As such, the Co-Applicants are comprised of the Operator and two real property holding companies.

What are the current real estate taxes on the proposed Project Site:

165 SOUTH UNION ROAD – Assessed Value of \$4,865,000 (23/24 School), \$6,210,000 (23 Town and County)

- School Taxes for 07.01.2023 – 06.30.2024: \$91,473.81
- Town & County Taxes for CY-2023: \$116,686.96
- **Total Current Real Estate Taxes: \$208,160.77**

193 SOUTH UNION ROAD – Assessed Value of \$2,780,000 (23/24 School), \$4,480,000 (23 Town & County)

- School Taxes for 07.01.2023-06.30.2024: \$52,270.75
- Town & County Taxes for CY-2023: \$63,707.38
- **Total Current Real Estate Taxes: \$115,978.13**

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

The IDA financial assistance is crucial for this Project. Cost control is essential to maintaining the Facility's status and is mandatory to allow the Facility to make the required improvements and renovations. The requested financial assistance will provide meaningful cost reductions critical to the viability of the Facility and will allow the Applicants to move forward with the Project. The Project has been proposed by Mr. Platschek and Mr. Abramczyk, current minority owners of the Williamsville Suburban LLC entity who each currently own a 4.5% interest in Williamsville Suburban, LLC. These owners, referred to at times herein as the "Minority Owners", are the duly authorized and approved Managers of Williamsville Suburban, LLC.

The Minority Owners are in the process of acquiring full 100% ownership of the Operator from its majority owners. Presently, cash flow and the financial health of the Facility is below viability because the Minority Owners, as described below, recently made a lump sum approximately \$2,100,000 tax arrearages, interest and penalties payment, and due to the adverse impact that Covid-19 had on the Facility and its operations, combined with a lack of on-going investments and Facility maintenance, whose costs have now greatly increased due to supply-chain and labor issues and inflation, the IDA assistance makes this Project feasible.

Past poor majority ownership business practices, and results thereof, have put the Facility under extreme financial duress, negatively impacting its ability to make necessary improvements and renovations. This situation has been exacerbated due to tax assessment increases and payments made by Minority Owners to settle/resolve same. The cash outlay to resolve real property tax disputes has adversely impacted the ability of the Facility to make the necessary improvements and renovations as described herein and IDA Financial Assistance not only makes the Project feasible but facilitates the ability of the Company to make life improving and sustaining investments and improvements in the Facility for the benefit of its residents and staff, and to retain and increase its residents and attract and retain employees especially given increasing wage pressures.